Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of	)	
	)	
Amendment of the Commission's Rules to Facilitate the Use of Cellular Telephones and other Wireless Devices Aboard Airborne Aircraft	)	WT Docket No. 04-435
	)	
	)	

To: The Commission

COMMENTS OF THE
CONSUMER ELECTRONICS ASSOCIATION

The Consumer Electronics Association ("CEA"), respectfully files these Comments in response to the Commission's proposals in its Notice of Proposed Rulemaking ("NPRM") in the above-captioned proceeding.[1]

CEA is the preeminent trade association promoting growth in the consumer technology industry through technology policy, events, research, promotion, and the fostering of business and strategic relationships. CEA represents more than 2,000 corporate members involved in the design, development, manufacturing, distribution and integration of audio, video, mobile electronics, wireless and landline communications, information technology, home networking, multimedia and accessory products, as well as related services that are sold through consumer channels. Combined, CEA's members

[1] *Amendment of the Commission's Rules to Facilitate the Use of Cellular Telephones and other Wireless Devices Aboard Airborne Aircraft*, Notice of Proposed Rulemaking, WT Docket No. 04-435, FCC 04-288 (rel. Feb. 15, 2005) ("NPRM"); comment deadline extended, *Order*, DA 05-1015 (rel. April 6, 2005).

account for more than $121 billion in annual sales. CEA also sponsors and manages the International CES - Defining Tomorrow's Technology.

I. CEA SUPPORTS THE SAFE AND MANAGED USE OF WIRELESS DEVICES ON AIRPLANES

Consumers have a rapidly expanding array of ways in which to receive information and entertainment, whether they are at home or traveling. These choices are facilitated by a variety of devices and services -- many of which depend on wireless technology. Consumers traveling by air often carry aboard their own portable devices for communication, entertainment, and information. They also find a variety of airline-provided options for in-flight entertainment and communication. Increasingly, these in-flight services will depend on broadband communication between the aircraft and the ground. In light of these trends, CEA welcomes the Commission's examination of issues surrounding passenger use of wireless devices, as well as air-to-ground communications.

Consumer research conducted by CEA in October 2003 found that 76 percent of all consumers, and 89 percent of business travelers who traveled by airplane at least once during the previous year carried aboard one or more portable electronic devices.[2] Approximately one-third of all travelers and 49 percent of business travelers believe that it is important to be able to use electronic devices on an airplane, and 40 percent of travelers used an electronic device during a flight, with laptop computers, CD/DVD players, mobile phones, PDAs (personal digital assistants) and calculators ranking as the most popular devices.

[2] *Portable Electronic Devices on Aircraft Study*, October 2003, eBrain Market Research, a business unit of the Consumer Electronics Association.

In addition, many consumers are interested in using their own electronic devices to access a wireless data network or the Internet while airborne, which is key to maintaining productivity while outside the home or office. CEA's research found that more than one-third of all travelers and 60 percent of business travelers believe that it would be beneficial to have access to a wireless network or the Internet while in flight.

Wireless network access may be achieved through a variety of portable electronic devices, including mobile phones, handheld PDA or other email devices, or laptop computers with wireless Internet connectivity. According to CEA market research, factory-to-dealer sales of handheld email devices are projected to exceed 6.6 million units in 2005[3]. Combined with the projected sales of more than 89 million wireless phones this year, the market for data-capable devices is growing, and would likely foster consumer acceptance of the use of these wireless devices for non-voice communication aboard aircraft.

With respect to passenger use of wireless portable electronic devices on board aircraft, safety of flight is and must remain the paramount concern and focus. Central to that mission are the policies and rules of aircraft operators and aviation authorities, such as the Federal Aviation Administration (FAA), whose role the Commission has acknowledged in this and related proceedings.

The regulatory and operational challenges posed by the increasing number of portable devices with wireless capability carried on board commercial aircraft is made more complex by the nature of air travel itself: people travel globally with a variety of devices native to specific geographic regions and regulatory environments. While CEA

[3] *U.S. Consumer Electronics Sales & Forecasts 2000-2005,* January 2005, CEA Market Research.

welcomes expanded opportunities for consumers to stay connected, informed and entertained during flight, CEA also supports the safe and managed use of consumer electronics on board aircraft.

II. CEA HAS LED THE DEVELOPMENT OF A *RECOMMENDED PRACTICE* FOR WIRELESS DEVICES THAT FACILITATES MANAGED USE ON AIRPLANES

Current regulations dictate that airline policies must require all portable electronic devices to be turned off and stowed during certain phases of commercial flight. In general, crew members and passengers may switch on and use *some* electronic devices during flight. While passengers are responsible for complying with airline policies for the use of portable electronic devices on board aircraft, their compliance is monitored by airline personnel – specifically, flight attendants.

With the wide and growing variety of devices and form factors, the wireless capability of any given device may not be readily apparent, either to the user of the device or to a bystander. Across the consumer electronics industry, there has been no consistent or uniform way to indicate that a wireless device's transmitter is switched off. It would be useful, therefore, to develop a system which facilitates ease of use in temporarily switching off and on the wireless function on a portable electronic device and readily identifying its operational state.

Such a system would be particularly useful in an aircraft environment, since many wireless devices can function without transmitting a signal. Such functions include a game player on a mobile phone, a personal organizer on a wireless PDA, or productivity software on a wireless-enabled notebook computer. Notwithstanding future changes in regulatory and airline policies, having a simple and easily recognizable way to operate

devices in different environments will be beneficial, especially as consumers enjoy greater opportunities for wireless communication.

In November 2003, CEA held a "discovery group" meeting to determine the level of inter-industry support for a standardization project to facilitate the managed use of wireless devices carried and used on board by passengers during flight.[4] There was a high level of consensus among attendees to develop a recommended industry practice that would achieve three specific objectives related to the use of these devices in-flight: (1) develop a consistent and easily identifiable symbol which indicates that a wireless device's transmitter is disabled; (2) make it easy to disable and enable a device's wireless transmitter when needed; and (3) encourage consistent terminology across the airline and technology industries with regard to portable electronic devices. The CEA Portable Electronic Devices (PEDs) Working Group was subsequently formed and set forth to produce a recommended practice for industry during 2004. Participants in the CEA PEDs Working Group included more than 50 representatives from various air transport and technology industries, including wireless product and component manufacturers, airlines, flight attendant groups and pilot organizations. After collaborative, cross-industry work by participants, the *Recommended Practice - Status Indicator for and Control of Transmitters in Portable Electronic Devices (PEDs)* was completed and announced on October 18, 2004.[5]

[4] At CEA, a "discovery group" is a process whereby outside groups and companies gather with CEA members to explore issues on a topic of mutual interest. The group determines if a standards project should be initiated, and, if so, it gives the project a clear scope and direction to begin its work. CEA's "Discovery Group Meeting for Wireless Portable Electronic Devices (PEDs) on Aircraft" was held on November 20, 2003.

[5] The *Recommended Practice* is attached hereto. This document, associated symbols, and press releases can be viewed and downloaded at: www.ce.org/peds.

The *Recommended Practice* is intended to facilitate the on-off control of transmitters inside wireless devices. It applies to all wireless consumer electronics products, including mobile phones, PDAs, notebook computers, game players and entertainment devices. The document's recommendations are intended for use by manufacturers of portable electronic devices, related component and software companies, and airlines. If put to immediate use by manufacturers and the airline industry, the *Recommended Practice* would allow consumers and flight attendants alike to easily determine whether or not a device's wireless function is enabled. This also would allow consumers to use other applications on their devices when a wireless connection is not permitted.

The *Recommended Practice* includes requirements for ease-of-use, relevant indicators and terminology, and illustrative scenarios. The *Recommended Practice* focuses on what is termed the "transmitters disabled" state of a wireless device. The document requires a "simple and obvious method" to disable all transmitters and a unique "transmitters disabled" symbol to be used in association with that operational state.

The *Recommended Practice* also supports the consistent use of the term "transmitters disabled," as opposed to "airplane mode," "flight mode," "flight safe mode," etc., since wireless devices using such terminology could perform in different ways. Moreover, to the extent that some wireless technologies are permitted for use on board certain commercial aircraft and not others, the meaning of "flight mode," "airplane mode" and the similar terms is undermined. The *Recommended Practice* is applicable to non-aircraft environments, such as hospitals, where wireless transmitter use may be restricted. In sum the *Recommended Practice* provides clear and simple requirements to

support the managed use of wireless devices on aircraft, while maintaining the necessary flexibility for device manufacturers regarding implementation.

III. IN CONSIDERATION OF SIGNIFICANT SOCIAL QUESTIONS INVOLVED WITH ALLOWING IN-FLIGHT TELEPHONE CONVERSATIONS, CEA FAVORS LIMITS ON VOICE COMMUNICATIONS, AS DETERMINED BY INDIVIDUAL AIRLINES

In general, CEA supports greater in-flight access to mobile data services, recognizing that the use of voice communications in flight poses significant risk of disruption to travelers in the confined space of an airplane. According to Forrester Research, only 13 percent of business travelers and less than 10 percent of leisure travelers expressed interest in using their mobile phones on planes for conversation.[6] While consumers seem far more interested in using data applications such as e-mail or text messaging while airborne, CEA recognizes that even a small number of passengers interested in utilizing voice communication raises significant social issues. CEA believes that proper etiquette for the use of wireless voice communication devices should be as important in the air as it is on the ground. For this reason, CEA supports limits on voice communications, as determined and enforced by individual airlines.

In 2003, CEA developed wireless etiquette guidelines as part of a public education campaign to remind consumers to consider their surroundings when using mobile phones and other portable electronic devices in public.[7] Given CEA's past work in promoting mobile phone etiquette on the ground, CEA stands ready to work with the technology community, airline industry consumer associations, and other interested

[6] Joe Sharkey, *Cellphones in Flight: The Story Is Data, Not Chatter*, N.Y. TIMES, December 21, 2004, at 6.
[7] In 2003, CEA developed guidelines for basic etiquette when using mobile phones in public. These guidelines were part of a public education campaign. Additional information is attached hereto and can be found online at: www.ce.org/thatguy.

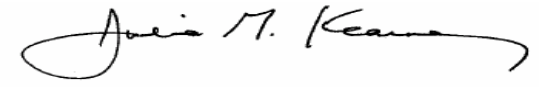
parties to address the social issues related to the in-flight use of portable electronic devices for voice communication.

Considering the overwhelming response from the public urging the Commission to continue banning the use of wireless devices for voice communications even prior to the deadline for submitting comments in this proceeding, CEA believes that it is critical for all stakeholders to work together to ensure that consumers continue to enjoy safe, comfortable airline travel.

IV. CONCLUSION

CEA supports the managed use of wireless devices on aircraft and has developed a *Recommended Practice* to facilitate airline passengers' use of portable electronic devices while in flight. The use of wireless devices for in-flight voice communication raises serious social issues. For this reason, CEA supports limits on voice communications, as determined by individual airlines. In-flight wireless data usage, including access to email and the Internet, however, offers passengers an opportunity to stay connected to personal and professional contacts on the ground with minimal disruption to other passengers. This capability would offer a highly desirable option for in-flight communication and appropriately meets the evolving demands of increasingly mobile and connected consumers.

Respectfully submitted,



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May 26, 2005